

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

<b>IN THE MATTER OF:</b>	)
	)
<b>THE CITY OF OCEANSIDE</b>	)
<b>300 NORTH COAST HIGHWAY</b>	)
<b>OCEANSIDE, CALIFORNIA 92054</b>	) <b>COMPLIANT NO. R9-2004-0298</b>
	) <b>FOR</b>
<b>OCEANSIDE OCEAN OUTFALL</b>	) <b>ADMINISTRATIVE CIVIL LIABILITY</b>
<b>WDID NO. 9 000000146</b>	) <b>WITH</b>
	) <b>MANDATORY MINIMUM PENALTIES</b>
	)
<b>NONCOMPLIANCE WITH ORDER</b>	)
<b>NO. 2000-11, NPDES NO. CA0107433,</b>	) <b>SEPTEMBER 2, 2004</b>
<b>WASTE DISCHARGE REQUIREMENTS</b>	)
<b>FOR THE CITY OF OCEANSIDE,</b>	)
<b>SAN LUIS REY AND LA SALINA</b>	)
<b>WASTEWATER TREATMENT PLANTS</b>	)
<b>DISCHARGE TO THE PACIFIC OCEAN</b>	)
<b><u>VIA THE OCEANSIDE OCEAN OUTFALL</u></b>	)

**THE CITY OF OCEANSIDE IS HEREBY GIVEN NOTICE THAT:**

1. The City of Oceanside is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on November 10, 2004 at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, the City of Oceanside will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

### **ALLEGATIONS**

4. Between October 29 and December 4, 2003, the City of Oceanside violated Order No. 2000-11, *Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants, Discharge to the Pacific Ocean Via the Oceanside Ocean Outfall*. (See Table 1, Violation Table.) The thirty-one violations are due to exceedances of the total suspended solids (TSS) concentration and mass loading maximum at any time and settleable solids maximum at any time, weekly average, and monthly average effluent limitations reported in the October, November, and December 2003 Monthly Monitoring Reports.
5. The following facts are the basis for alleged violations in this matter:
  - a. The City of Oceanside operates the San Luis Rey and La Salina Wastewater Treatment Plants and is authorized to discharge up to 19.0 million gallons per day of treated effluent to the Pacific Ocean via the Oceanside Ocean Outfall pursuant to waste discharge requirements contained in Order No. 2000-11.
  - b. The Discharge Specifications' section of Order No. 2000-11 states that the maximum at any time effluent limitation for TSS in discharges via the Oceanside Ocean Outfall is 50 mg/L and 6,800 lb/Day. The City of Oceanside reported that TSS sampling results on October 29, 2003 were 136 mg/L and 15,700 lb/Day, and 146 mg/L and 13,700 lb/Day on November 5, 2003. Therefore the City of Oceanside violated the maximum at any time concentration and mass loading effluent limitations for TSS by greater than 40%.
  - c. The Discharge Specifications' section of Order No. 2000-11 states that the maximum at any time settleable solids effluent limitation for discharges via the Oceanside Ocean Outfall is 3.0 ml/L. The City of Oceanside reported a settleable solids sampling result on November 5, 2003 of 42 ml/L. Therefore the City of Oceanside violated the maximum at any time effluent limitation for settleable solids by greater than 40%. Because of the sample result on November 5, 2003, the City of Oceanside reported that the calculated weekly average (7 day) effluent limitation for settleable solids of 1.5 ml/L was exceeded on November 5, 6, 7, 10, and 11, by greater than 40%. The City also reported that based on the November 5, 2003 settleable solids sample result, the monthly average (30 day) effluent limitation for settleable solids of 1.0 ml/L was exceeded nineteen times between November 5 and December 4, 2003, by more than 40%.

### **POTENTIAL MAXIMUM LIABILITY**

6. Water Code section 13385(h)(2) states that a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more. TSS and settleable

solids are Group I pollutants.

Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each serious violation unless the discharger demonstrates that violations at a wastewater treatment plant using a biological treatment process were the result of a single operational upset.

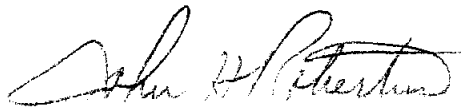
### **EXEMPTIONS**

7. The City of Oceanside has demonstrated that two consecutive mechanical failures in its biological treatment process caused a single operational upset resulting in multiple violations over a thirty-seven day period.
8. Water Code section 13385(f)(2) states that when calculating mandatory minimum penalties, violations due to a single operation upset shall be treated as a single violation even if the operational upset results in violations of more than one effluent limitation, but in no case shall the single violation period exceed 30 days.
9. Twenty-six serious violations reported in the first 30 days of the violation period (October 29, 2003 through November 27, 2003) shall be treated as single violation resulting in a single three thousand dollar (\$3,000) mandatory minimum penalty. Because the violation period exceeded the 30 day single operational upset maximum, five serious violations of the settleable solids monthly average (30-day) effluent limitation occurring on November 28 and December 1, 2, 3 and 4, 2003 shall each be assessed a three thousand dollar (\$3,000) penalty, for a total of fifteen thousand dollars (\$15,000).

### **PROPOSED CIVIL LIABILITY**

10. Pursuant to Section 13385 of the Water Code a mandatory minimum penalty shall be imposed on the City of Oceanside by the Regional Board in the amount of eighteen thousand dollars (\$18,000), for the above violations.

Dated this 2nd day of September 2004.



JOHN H. ROBERTUS  
Executive Officer

Table 1. Summary of all Violations Subject to MMPs for City of Oceanside, Oceanside

Date of Violation	Violation	Permitted Limit	Reported Value	Serious/Chronic	Water Code Section 13385	Penalty
<b>Violations Within Single Operational Upset 30-Day Period</b>						
10/29/03	TSS maximum at any time	50 mg/L	136 mg/L	Serious	(f)(2)(A)	\$3,000
10/29/03	TSS maximum at any time MER	6,800 lb/Day	15,700 lb/Day	Serious	(f)(2)(A)	--
11/5/03	TSS maximum at any time	50 mg/L	146 mg/L	Serious	(f)(2)(A)	--
11/5/03	TSS maximum at any time MER	6,800 lb/Day	13,700 lb/Day	Serious	(f)(2)(A)	--
11/5/03	Settleable solids maximum at any time	3.0 ml/L	42 ml/L	Serious	(f)(2)(A)	--
11/5/03	Settleable solids weekly average	1.5 ml/L	8.7 ml/L	Serious	(f)(2)(A)	--
11/6/03	Settleable solids weekly average	1.5 ml/L	8.7 ml/L	Serious	(f)(2)(A)	--
11/6/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/7/03	Settleable solids weekly average	1.5 ml/L	8.5 mg/L	Serious	(f)(2)(A)	--
11/7/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/10/03	Settleable solids weekly average	1.5 ml/L	8.5 ml/L	Serious	(f)(2)(A)	--
11/10/03	Settleable solids monthly average	1.0 ml/L	2.2 ml/L	Serious	(f)(2)(A)	--
11/11/03	Settleable solids weekly average	1.5 ml/L	8.6 ml/L	Serious	(f)(2)(A)	--
11/11/03	Settleable solids monthly average	1.0 ml/L	2.1 ml/L	Serious	(f)(2)(A)	--
11/12/03	Settleable solids weekly average	1.5 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/13/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/14/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/17/03	Settleable solids monthly average	1.0 ml/L	2.2 ml/L	Serious	(f)(2)(A)	--
11/18/03	Settleable solids monthly average	1.0 ml/L	2.1 ml/L	Serious	(f)(2)(A)	--
11/19/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/20/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/21/03	Settleable solids monthly average	1.0 ml/L	2.1 ml/L	Serious	(f)(2)(A)	--
11/24/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/25/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(f)(2)(A)	--
11/26/03	Settleable solids monthly average	1.0 ml/L	2.2 ml/L	Serious	(f)(2)(A)	--
11/27/03	Settleable solids monthly average	1.0 ml/L	2.1 ml/L	Serious	(f)(2)(A)	--
11/27/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(h)(1)	--

Table 1. Summary of all Violations Subject to MMPs for City of Oceanside. Oceanside

Date of Violation	Violation	Permitted Limit	Reported Value	Serious/ Chronic	Water Code Section 13385	Penalty
<b>Violations After Single Operational Upset 30-Day Period</b>						
11/28/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(h)(1)	\$3,000
12/01/03	Settleable solids monthly average	1.0 ml/L	2.1 ml/L	Serious	(h)(1)	\$3,000
12/02/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(h)(1)	\$3,000
12/03/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(h)(1)	\$3,000
12/04/03	Settleable solids monthly average	1.0 ml/L	2.0 ml/L	Serious	(h)(1)	\$3,000
Total Penalty \$18,000						